

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

STEVEN McDERMOTT AND)
STACEY McDERMOTT)
)
<i>Plaintiffs</i>)
)
v.)
) CIVIL ACTION NO.04-CV-12253MLW
FEDEX GROUND PACKAGE)
SYSTEMS, INC. AND)
T.S. PRUITT)
)
<i>Defendants</i>)
)

**PLAINTIFFS, STEVEN McDERMOTT AND STACEY McDERMOTT'S MOTION IN
OPPOSITION TO DEFENDANTS' MOTION FOR TRANSFER OF VENUE**

Plaintiffs Steven McDermott and Stacey McDermott, pursuant to 28 U.S.C. §1404(a), oppose the defendants Motion for Transfer of Venue to the Middle District of Pennsylvania. Title 28 U.S.C. § 1404(a) allows the Court to transfer a case to any other federal district court with jurisdiction for the convenience of parties and witnesses, in the interest of justice. Transfer of Venue should be denied if the transfer is likely to prove equally convenient or inconvenient, and the effect is simply to shift the inconvenience to the party resisting the transfer.

The party seeking transfer bears the burden of proof to show that the balance of factors 'strongly' favors the movant.

In this case, none of the parties are from Pennsylvania. Pennsylvania is merely the location of the accident.

A motion to request a transfer venue is not a contest of which side presents a longer list of witnesses. The accident involved at least eight tractor-trailers, spread over a considerable area

of Interstate 84, with injuries to a number of people including one fatality. Naming all the witnesses in all the accident reports does not specify the essential witnesses to be called nor a general statement of what their testimony will cover.

Attached hereto and incorporated herein is a Memorandum in Opposition to Defendants Motion to Transfer Venue as well as an affidavit of counsel in support

STEVEN McDERMOTT,
STACEY McDERMOTT,
by their attorney,

/s/ Joseph M. Mahaney

Joseph M. Mahaney BBO:549042
Goguen, McLaughlin, Richards & Mahaney, LLP
Two Pleasant Street
South Natick, Massachusetts 01760
(508) 651-1000

dated: May 22, 2006

CERTIFICATE OF SERVICE

I, Joseph M. Mahaney, certify that on May 22, 2006 a true copy of the above was sent electronically and by first class mail to: Adam A. Larson, Campbell Campbell and Edwards, One Constitution Plaza, Boston, Massachusetts 02129.

/s/ Joseph M. Mahaney

Joseph M. Mahaney